

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE

**LEGENDARY FIELD
EXHIBITIONS, LLC,**

DEBTOR.

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**CASE NO. 19-50900-CAG
CHAPTER 7**

**RANDOLPH N. OSHEROW, Chapter 7
Trustee, and the Bankruptcy Estates of
Legendary Field Exhibits, LLC, AAF
Players, LLC, AAF Properties, LLC;
Ebersol Sports Media Group, Inc., LFE
2, LLC, and We Are Realtime, LLC,**

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Plaintiffs,

Adversary No. 22-05078-CAG-7

v.

**THOMAS DUNDON, JOHN ZUTTER,
and DUNDON CAPITAL PARTNERS,
LLC,**

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Defendants.

ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants filed a Motion for Summary Judgment. [ECF. ____] The Court is of the opinion that the motion should be granted as to each point marked below.

The Trustee shall take nothing on his claims set out in the Amended Complaint [ECF 56] for

- _____ Count 1–breach of oral contract against Thomas Dundon
- _____ Count 2–breach of contract against Dundon Capital Partners, LLC
- _____ Count 3–breach of the duty of good faith and fair dealing against Thomas Dundon and Dundon Capital Partners, LLC
- _____ Count 4–promissory estoppel against Thomas Dundon
- _____ Count 5–breach of fiduciary duty against Thomas Dundon¹
- _____ Count 11–common law fraud, fraud by non-disclosure, constructive fraud against Thomas Dundon
- _____ Count 12–fraud in the inducement against Thomas Dundon
- _____ Count 13–negligent misrepresentation against Thomas Dundon
- _____ Count 15–unjust enrichment against Thomas Dundon and Dundon Capital Partners, LLC²
- _____ Count 16–disallowance of claims
- _____ Count 17–equitable subordination

SO ORDERED.

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¹ That part of Count 5 against John Zutter is addressed in a separate order.

² That part of Count 5 against John Zutter is addressed in a separate order.

Prepared and submitted by,

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